

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANANG NINORTEY, : 05 Civ. 542 (SHS)

Plaintiff, :

-against- : ORDER

C.O. S. SHOVA, *ET AL.*, :

Defendants. :

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SIDNEY H. STEIN, U.S. District Judge.

On July 29, 2008, Magistrate Judge Theodore H. Katz issued a Report and Recommendation recommending that the Court grant in part and deny in part defendants' motion for summary judgment. As of today, the Court's records indicate that no objections have been filed.

After a *de novo* review of the Report and Recommendation dated July 29, 2008, the Court adopts the recommendation of Magistrate Judge Katz. Accordingly,

IT IS HEREBY ORDERED that:

1. Defendants' motion for summary judgment is granted as to the medical provider defendants – Dr. Mamis, Nurse Harlan and Nurse Schott – and those defendants are dismissed from the case;

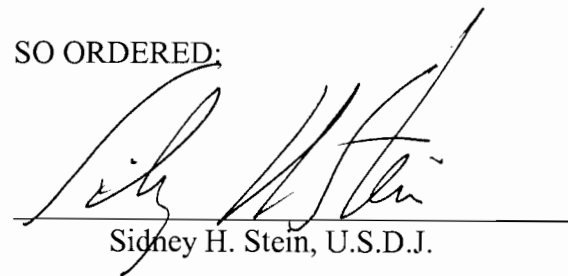
2. Summary judgment is granted as to all claims that defendants' conduct was in retaliation for plaintiff's claims, except as to defendants C.O. Beers and C.O. Shova. Summary judgment is denied as to C.O. Beers and C.O. Shova;

3. Summary judgment is denied with regard to plaintiff's excessive use of force claims against C.O. Shova, C.O. J. Beers, C.O. J. Booth, C.O. K. Truesdell, C.O. S. Sarles, C.O. M. Rhynders, C.O. H. Rosario, and C.O. G. Rayburn; and

4. Summary judgment is denied as to plaintiff's deliberate indifference claims against Capt. W. Keyser and Sgt. R. Marinaccio.

Dated: New York, New York
September 2, 2008

SO ORDERED:



Sidney H. Stein, U.S.D.J.